



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688
Telephone (608) 266-1880
TTY: (800) 947-3529
Facsimile (608) 267-0640
Web Site: www.wicourts.gov

DISTRICT I

August 22, 2023

To:

Hon. Pedro Colon
Circuit Court Judge
Electronic Notice

Anna Hodges
Clerk of Circuit Court
Milwaukee County Appeals Processing
Division
Electronic Notice

Maria Bucci
Electronic Notice

Brittany L. Mirabella
Electronic Notice

Shannon Ashley Conlin
Dean Health Plan, Inc.
1277 Deming Way
Madison, WI 53717

Prinston Cameron
1008 W. Wright Street
Milwaukee, WI 53206

Department of Health and Human Services
c/o Charles Guardagnino
517 E. Wisconsin Avenue, #530
Milwaukee, WI 53202

You are hereby notified that the Court has entered the following opinion and order:

2022AP1579

Prinston Cameron v. Jennifer Anne Fischer (L.C. # 2020CV3898)

Before White, C.J., Donald, P.J., and Dugan, J.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Jennifer Anne Fischer and Rural Mutual Insurance Company appeal from a judgment of the circuit court. Based upon our review of the brief and record, we conclude at conference that

this case is appropriate for summary disposition. We summarily reverse and remand with directions consistent with this opinion. *See* WIS. STAT. RULE 809.21 (2021-22).¹

This case involves an automobile accident in which Princeton Cameron was a passenger in a car driven by his friend, Carletha Watson. Cameron and Watson brought suit against Fischer and her insurance company, alleging negligence. Fischer counterclaimed, alleging that Watson was negligent and that any injuries Cameron sustained were the result of Watson's negligence.

Fischer made a statutory offer of judgment to Cameron pursuant to WIS. STAT. § 807.01(1), in the amount of \$47,000, plus statutory costs. Cameron did not accept the offer and the matter proceeded to a jury trial. A jury verdict awarded total damages of \$54,864.62 to Cameron, but apportioned eighty-five percent liability to Fischer and fifteen percent liability to Watson. Thus, Fischer was liable for \$46,634.93 of Cameron's damages and Watson was liable for \$8,229.69 of Cameron's damages. Cameron elected to pursue the entire amount of the jury award against Fischer as she was jointly and severally liable under WIS. STAT. § 895.045.

Both Fischer and Cameron attempted to recover costs. Fischer filed a motion for costs pursuant to WIS. STAT. § 807.01, arguing that she was entitled to costs pursuant to that statute since the amount of damages awarded by the jury against Fischer was less than the amount of her statutory offer of judgment. The circuit court denied Fischer's motion and awarded Cameron the costs set forth in his bill of costs. Fischer appeals.

¹ All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

We reverse the circuit court because Cameron’s respondent’s brief does not comply with WIS. STAT. RULE 809.19(1) in the slightest. By order dated December 29, 2022, this court informed Cameron that the respondent’s brief was overdue. Cameron was also advised that unless the brief was filed or an extension requested within five days, the judgment or order appealed from “will be disposed of summarily and may be summarily reversed under Rule 809.83(2).” Cameron did not file the brief or request an extension. On January 20, 2023, by our own motion, this court extended Cameron’s deadline. On January 23, 2023, Cameron filed a two-sentence brief in which he stated that he agreed with the circuit court and asked this court to affirm the decision. By order dated February 27, 2023, we informed Cameron that his “brief” was not compliant with the rules of appellate procedure and again extended the deadline for him to file a respondent’s brief. Cameron again did not do so. Accordingly, the appeal advanced without a compliant brief from Cameron.

The “[f]ailure to file a respondent’s brief tacitly concedes that the [circuit] court erred,” *State ex rel. Blackdeer v. Township of Levis*, 176 Wis. 2d 252, 260, 500 N.W.2d 339 (Ct. App. 1993) (citation omitted), and allows this court to assume that the respondent concedes the issues raised by the appellant, *see Charolais Breeding Ranches, Ltd. v. FPC Securities Corp.*, 90 Wis. 2d 97, 108-09, 279 N.W.2d 493 (Ct. App. 1979). Cameron’s filing fails to support a claim of any kind and we will not develop arguments for Cameron. *See State v. Gulrud*, 140 Wis. 2d 721, 730, 412 N.W.2d 139 (Ct. App. 1987). Because Cameron’s filing is wholly inadequate despite warnings from this court, we conclude that Cameron effectively conceded circuit court error.

IT IS ORDERED that the order is summarily reversed and remanded with directions pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals